



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/628,799

07/28/2003

Markus Hamulski

HAMULSKI AL-5

4531

25889 7590 03/15/2007
WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

EXAMINER

ZIRKER, DANIEL R

ART UNIT

PAPER NUMBER

1771

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

03/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/628,799

Applicant(s)

HAMULSKI ET AL.

Examiner

Daniel Zirker

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) 14, 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 1771

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-5 and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over EPA '364, relied upon earlier during the prosecution (US equivalent Koga et al is cumulative), taken either individually, or in view of Schurb. EPA '364 is again relied upon substantially as previously set forth, particularly as set forth in Paragraphs 6 and 7 of Paper No. 041205, together with the following additional observations. It is initially noted that the reference teaches that the relied upon first adhesive component (styrene block copolymers are also prominently taught as a second adhesive component) is not either of the polyolefins polyethylene or polypropylene as applicants claim, but rather an alpha olefin copolymer based upon at least two alpha olefins (such as PE or PP) having 2-12 carbon atoms. However, note both their structural similarity, as well as the fact that was pointed out in the last Office Action that alpha olefins in general (spec, page 4, lines 6-8) are taught in applicants' specification as particularly suitable. Such teachings particularly include the fact that the only example in the specification uses LDPE as its polyolefin adhesive component, so the Examiner believes that he is justified, for purposes of obviousness, in relying upon the reference's teachings that such poly alpha olefins which include ethylene and propylene copolymers are particularly suitable for forming adhesives in a mixture with styrene block copolymers and thus meeting this essential claim requirement. Additionally, it is also noted that while the reference teaches (page 5, lines 47-55) that other auxiliaries such as either tackifiers and/or plasticizers **may** be present they are are not necessarily required to be so, a fact which

Art Unit: 1771

is quite relevant in view of the newly presented closed claim language for the adhesive layer. The Examiner also notes that it has not been proven on the record that tackifiers, as well as all oils and/or resins plasticize the styrene block copolymer component, but note that in view of the newly presented closed language for adhesive layer (b) that none of these auxiliaries may be present in its adhesive mixture. Alternatively to the above, in the combination rejection Schurb is relied upon as disclosing a closely related adhesive sheet having a non extrudable, i.e. paper based backing, but which further teaches (Col 5, lines 39-61) that suitable pressure sensitive adhesive sheets can be coated with a variety of single or mixture based compositions wherein the adhesive mixture may include styrene based block copolymers such as S-I-S or styrene butadiene components, as well as (line 54) poly alpha olefin and/or amorphous polyolefin components. Accordingly, one of ordinary skill, motivated by an expectation of improved adhesive performance of these two very similar compositions which have virtually identical utilities would have ample motivation to incorporate the polyolefin adhesive based components of Schurb in place of the alpha olefin copolymer components of the primary reference and thereby form the claimed genus of adhesive sheets.

With respect to the dependent claims such as the particular styrene based block copolymer component (claims 2-4), the adhesive strength parameter of claim 5, and further variables such as thicknesses, release layers and components, embossments and the like, these are each still believed to be obvious modifications to one of ordinary

Art Unit: 1771

skill, in the absence of unexpected results, and note also that Schurb also teaches (Col 6) the presence of such auxiliaries as release coats, primers, thicknesses and the like.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 - 272 - 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Zirker
Primary Examiner
Art Unit 1771

A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive style with a large, stylized "Z".